

2026:DHC:9315



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*** IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Date of Decision: 16.10.2026*

CNR No. DLHC010194992026

+ **BAIL APPLN. 1743/2026**

RAMDUTT @ RAMU

.....Petitioner

Through: Mr. Hari Krishan, Advocate.

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Ms. Manjeet Arya, APP for State with
WSI Surbhi.

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. The accused/applicant seeks regular bail in case FIR No. 06/2026 of PS Punjabi Bagh for offence under Section 64(2)(m) BNS and Section 6 POCSO Act.

2. The prosecution case, as culled out of the status report, is as follows. The subject FIR was registered on the basis of statement of prosecutrix, aged 16 years, in which she alleged that her neighbour, the present accused/applicant aged about 37 years raped her repeatedly over a period of time.

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possibly under Section 217 BNS. But even that action has not been taken.

7. The object of criminal trial is to arrive at the truth and not to ensure conviction only. The court arrives at the truth on the basis of evidence collected by the investigator and adduced by the prosecutor. Often, the criminal justice machinery is criticised for low rate of convictions, especially in cases under the POCSO Act. The investigating and the prosecuting arms of the criminal justice system always blame the witnesses for having turned hostile during trials, leading to the acquittals. But in none of those cases any action is ever taken by them. Even in a case of present nature, where during trial the prosecutrix not just deposed hostile to prosecution case, but even went to the extent of stating before the trial court that she never appeared before the concerned magistrate for recording of her statement purportedly under Section 183 BNSS, no action has been taken against her by prosecution side.

8. In the present case, it is not just the testimony of the prosecutrix being a blatant lie and hostile to prosecution, but also the total disinterest exhibited by prosecution to take appropriate action, which at this stage would convey to this court that the entire prosecution case was *prima facie* false and the accused/applicant suffered illegal confinement in custody. However, I must also add a cautious rider that the above observations have been recorded only while analysing the rival case for grant or denial of bail. These observations shall not be read by the trial court to the prejudice of the

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prosecution side. The trial court shall independently evaluate the material on record and shall arrive at final decision at conclusion of trial.

9. Considering the above circumstances, I do not find any reason to deprive further liberty to the accused/applicant. Therefore, the bail application is allowed and accused/applicant is directed to be released on bail subject to his furnishing a personal bond in the sum of Rs.10,000/- with one surety in the like amount to the satisfaction of the Trial Court/Duty Magistrate.

10. A copy of this order be immediately transmitted to the concerned Jail Superintendent for informing the accused/applicant.

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**GIRISH KATHPALIA
(JUDGE)**

OCTOBER 16, 2026/ry